

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7528

ANDRE P. TOWNSEND,

Plaintiff - Appellant,

versus

PHILLIP MCLEOD, Warden; BETTY ROBINSON, ADA
Coordinator; GAIL FRICKS, Deputy Director of
Health Services; AMY ENLOE, Nurse
Practitioner; LOREN HUDSON, Registered Nurse;
CHRISTIE MARLER; JESSIE TIPPINS, Licensed
Practical Nurses; FLORENCE MAUNEY,
Disciplinary Hearing Officer; VERNON MILLER,
Lieutenant; MICHAEL NAJJAR, Lieutenant;
JACQUELLA HOLSINGER, Lieutenant; DANIEL
MARTIN, Correctional Officer; WESLEY
BANNISTER, Correctional Officer; NOEL MORGAN,
Correctional Officer,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Patrick Michael Duffy, District
Judge. (CA-02-722-0-23)

Submitted: December 19, 2002

Decided: January 7, 2003

Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Andre P. Townsend, Appellant Pro Se. Steven Michael Pruitt,
MCDONALD, PATRICK, TINSLEY, BAGGETT & POSTON, Greenwood, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Andre P. Townsend seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Townsend that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Townsend failed to object to the magistrate judge's recommendation.*

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Townsend has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we dismiss the appeal. We also deny Townsend's motion for appointment of counsel.

* Townsend asserts on appeal that he did not receive the magistrate judge's report and recommendation. However, the record discloses that it was mailed to him at the appropriate address.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED